

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 1300(E)
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**MOTION OF THE PLAINTIFF-INTERVENOR UNITED STATES
TO COMPEL ENTRY UPON LAND**

The Plaintiff-Intervenor United States respectfully moves this Court to compel entry upon land for inspection and other purposes – pursuant to Rules 26(b)(1), 34, and 37(a)(2)-(3) of the Federal Rules of Civil Procedure – to allow the United States and its school discipline practices expert to enter the Meridian Public School District (“District”) to inspect District schools and specified documents, and to interview District employees under reasonable conditions. The reasons in support of this Motion are more fully set forth in the attached Memorandum of Law, including:

1. On January 30, 2012, the United States served the District with a Notice of Entry and Inspection under Rule 34 of the Federal Rules of Civil Procedure, as part of its ongoing review of the District’s compliance with the desegregation orders in this case. United States Notice of Entry and Inspection (“Rule 34 Notice”), at 1-2, January 30, 2012, attached hereto as Exhibit 1.

2. The proposed entry and inspection will focus on the areas of student discipline and faculty and staff hiring and assignment, which were the subjects of a previous Motion to Compel Discovery Responses that was granted by this Court.
3. The District has served the United States with a written objection, categorically objecting to any interviews of school personnel during the proposed site visit and any review of documents, records, or databases during the inspection. Def.'s Obj. to Rule 34 Notice ("Objection"), February 9, 2012, attached hereto as Exhibit 2.
4. By the attached affidavit, the United States certifies that it has conferred in good faith with counsel for the District prior to filing this motion in an attempt to resolve this discovery dispute, and that it has been unsuccessful in its attempts to resolve the dispute.
5. The United States moves this Court to enter the attached Proposed Order to compel the District to allow the United States and its expert on school disciplinary practices to enter the District and inspect District schools and specified documents, and also allow the United States' expert to speak with District employees under reasonable conditions.
6. As was true for the previous Motion to Compel Discovery Responses, the United States remains unable to fully investigate the complaints it has received from community members or to conduct a thorough review of the District's compliance with the existing desegregation orders.

Respectfully submitted,

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